

IN THE SUPREME COURT OF THE DEMOCRATIC
SOCIALIST REPUBLIC OF SRI LANKA

*In the matter of Contempt of Court under and
in terms of the Contempt of a Court, Tribunal
or Institution Act, No. 8 of 2024 for the offence
of Contempt of Court of the Supreme Court
read together with Article 105(3) of the
Constitution of the Democratic Socialist
Republic of Sri Lanka.*

Hayleys Lifesciences (Pvt) Limited,
No. 25, Foster Lane, Colombo 10.

Also at

No. 400, Deans Road, Colombo 07.

Complainant

SC/CONTEMPT/06/2025

Vs.

1. Pathirana Karunrathne Sujeewa
Prasanna Sandares,
Manager Projects,
Mervynsons Pvt Ltd,
No. 98, Norris Canal Road, Colombo 10.
And also at
No. 596/2A, Halgahadeniya Road,
Kalapaluwawa.
2. Mervynsons Pvt Ltd,
No. 98, Norris Canal Road, Colombo 10.

3. Randolph Nihal Desmond Peiris,
Director,
Mervynsons Pvt Ltd.
No. 98, Norris Canal Road, Colombo 10.
Also at
No. 81 A, Kynsey Arcade,
Kynsey Road, Colombo 08.

4. Simon Martin Peiris,
Director,
Mervynsons Pvt Ltd.
No. 98, Norris Canal Road, Colombo 10.
Also at
No. 80D, Ward Place, Colombo 07.
Also at
No. 93 Goldhurst Terrace, London
NW63HA, England.

5. Niall Keiran Peiris,
Director, Mervynsons Pvt Ltd,
No. 98, Norris Canal Road, Colombo 10.
Also at
No. 80D, Ward Place, Colombo 07.
Also at
No. 93 Goldhurst Terrace, London
NW63HA, England.

Accused

Before: Hon. Justice Mahinda Samayawardhena
Hon. Justice Menaka Wijesundera
Hon. Justice M. Sampath K.B. Wijeratne

Counsel: Nishan Sydney Premathirathne with Shenali Dias for the Complainant.

Amaranath Fernando with Shenal Fernando and Thisura Hewawasam for the 1st and 2nd Accused.

Argued on: 16.01.2026

Decided on: 28.01.2026

Samayawardhena, J.

This matter is connected to Case No. SC/APPEAL/248/2025, in which judgment was delivered today. The dispute arises from the award of a tender.

The complainant in these contempt proceedings, Hayleys Lifesciences (Pvt) Ltd, was the unsuccessful bidder. The parties against whom contempt proceedings have been initiated are the successful bidder, Mervynsons (Pvt) Ltd, its Project Manager, and its directors.

The complaint is that, when Mervynsons (Pvt) Ltd filed the leave to appeal application before this court, challenging the order of the Court of Appeal dated 03.04.2025, paragraph 73 of the supporting affidavit sworn by the Project Manager of the said company contained a false statement. It is alleged that, on that basis, the said officer of the company and its directors are liable for contempt of court within the meaning of the Contempt of a Court, Tribunal or Institution Act, No. 8 of 2024.

Paragraph 73 of the affidavit filed by the Project Manager of the said company reads as follows:

I state that by end of December 2024, they had installed the Lithotripter system at the Kandy National Hospital and handed over the same to the state authorities. However, the commissioning of the system was

postponed in compliance with the undertaking previously furnished by the learned Senior State Counsel, as referred to hereinabove.

The contention of the complainant is that the lithotripter system supplied by Mervynsons (Pvt) Ltd had been handed over to the Ministry of Health but had not been installed at the National Hospital of Kandy. It is asserted that the statement to the effect that the system had been installed at the National Hospital of Kandy is incorrect, and that this alleged falsehood gives rise to contempt of court.

The affidavit in question consists of eighty-six paragraphs. It is common ground that paragraph 73 alone is impugned, and that no other averment contained in the affidavit is alleged to be false or to amount to contempt of court.

Paragraph 73, when read in isolation, lacks clarity. When the affirmant states, *“I state that by end of December 2024, they had installed the lithotripter system at the Kandy National Hospital and handed over the same to the state authorities”*, it is not clear as to whom the expression *“they”* refers, nor is it clear who is said to have carried out the installation.

Further, ambiguity arises when the affirmant states that the lithotripter system was installed and then states that the lithotripter system was handed over to the state authorities. It is unclear whether the term *“state authorities”* refers to the National Hospital of Kandy, or to the Ministry of Health in Colombo.

The lack of clarity is compounded by the contents of the immediately preceding paragraph, namely paragraph 72, in which the affirmant states that the complainant filed the writ application with a view to impeding the installation process at the National Hospital of Kandy. This averment gives rise to the impression that, at the time the writ application was filed, the lithotripter system was yet to be installed. It is also relevant to note that

there is no allegation that Mervynsons (Pvt) Ltd proceeded to install the system after the filing of the writ application.

Such ambiguity assumes particular importance in contempt proceedings. A charge of contempt founded on an allegedly false statement requires the impugned averment to be clear, unequivocal, and demonstrably false. Where the language employed is imprecise, internally inconsistent, or reasonably capable of more than one interpretation, it becomes unsafe to readily characterise the statement as a deliberate falsehood made with the intention of misleading court.

Taking all these matters into consideration, together with the findings and the final conclusion reached in the main case, SC/APPEAL/248/2025, I am not persuaded that the Project Manager of Mervynsons (Pvt) Ltd made a false statement “*with intent to cause grave prejudice to the judicial process in relation to any ongoing litigation*” as contemplated in section 3(1)(b) of the Contempt of a Court, Tribunal or Institution Act.

As I observed in *Virgina Perera v. M.B.A. Systems (Pvt) Ltd and Others* (SC/CHC/APPEAL/18/2018, SC Minutes dated 23.07.2025), the exercise of the contempt jurisdiction is not intended for the glorification of the court. Its purpose is to safeguard the dignity and authority of the judicial office, without which public confidence in the administration of justice cannot be sustained. It must also be recognised that public confidence in the administration of justice is undermined not only by condoning unlawful intrusions upon the authority of court, but equally by permitting the contempt jurisdiction to be misused in furtherance of ulterior motives of litigants. Contempt of court is an offence against the court itself and not against any individual party. It is a jurisdiction to be exercised with great circumspection.

In the circumstances, I decline to issue a Rule on the alleged accused party to show cause why they should not be punished for contempt of court.

The application is dismissed.

Judge of the Supreme Court

Menaka Wijesundera, J.

I agree.

Judge of the Supreme Court

M. Sampath K.B. Wijeratne, J.

I agree.

Judge of the Supreme Court